

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-65/23
Location: 549 Watson Parkway South
Hearing Date: September 14, 2023
Owner: Douglas John and Sylvia May Finlay
Agent: N/A
Official Plan Designation: Glenholme Estate Residential
Township of Puslinch City of Guelph, but subject to and zoned Agriculture (A) in
Zoning By-law Number 19/85: the Township of Puslinch Zoning By-law
Zoning Designation (2023)-20790: Site-specific Low Density Residential (RL.1-1) Zone

Township of Puslinch Zoning By-law Number 19/85 Requirements:

The By-law:

- a) requires any building or structure accessory to a single dwelling to be located in an interior side yard or rear yard, provided the accessory structure is not located closer than 2 metres to any lot line; and
- b) permits a variety of uses in the Agriculture (A) Zone, but does not permit an accessory building or structure for the purposes of residential habitation.

Zoning By-Law (2023)-20790 Requirements:

The By-law requires:

- a) that an additional residential dwelling unit (ARDU) in a separate building on a lot may occupy a yard other than a front or required exterior side yard; and
- b) a minimum distance of 3 metres between the primary dwelling unit and an additional residential dwelling unit in a separate building on the same lot.

Request:

The applicant is seeking relief from the requirements of the Township of Puslinch Zoning By-law Number 19/85, as amended, to permit:

- a) an additional residential dwelling unit to be located in the front yard; and
- b) an additional residential dwelling unit to be located in the Agriculture (A) Zone.

The applicant is also seeking relief from the requirements of Zoning By-law (2023)-20790, as amended, to permit:

- a) an additional residential dwelling unit located in a separate building on the subject property to be located in the front yard; and
 - b) a minimum distance of 2.9 metres between the primary dwelling unit and the proposed accessory residential dwelling unit.
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Staff Recommendation

Approval

Comments

Planning Services

The subject property is designated "Glenholm Estate Residential" in the Guelph Innovation District Secondary Plan. This designation includes lands containing existing low density estate residential uses on large lots that are currently serviced by private individual on-site water and wastewater services. Due to the unique characteristics of the area, it is anticipated that the existing residential uses will continue in their current form during the Secondary Plan period, with opportunities for minor limited additional estate residential infill development which is consistent with the character of existing development. Within this designation, only single detached dwellings, additional residential dwelling units, and home occupations are permitted.

The applicant is proposing to construct a second-storey addition above the existing detached garage for an additional residential dwelling unit (ARDU). The applicant is proposing variances to amend the permitted uses, location, and setback for the proposed ARDU.

The property is located within the City of Guelph, but subject to and zoned Agriculture (A) in the Township of Puslinch Zoning By-law. Variances from Section 3(1)(d)(i) and Section 5(2) of Township of Puslinch Zoning By-law Number 19/85, as amended, are being requested. The By-law: a) requires any building or structure accessory to a single dwelling to be located in an interior side yard or rear yard, provided the accessory structure is not located closer than 2 metres to any lot line; and b) permits a variety of uses in the Agriculture (A) Zone, but does not permit an accessory building or structure for the purposes of residential habitation.

The property is also located in the Site-specific Low Density Residential (RL.1 Zone in the City of Guelph Comprehensive Zoning By-Law (2023)-20790. Variances from Section 4.12.1(d)(vi) and 4.12.1(d)(vii) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires: a) that an additional residential dwelling unit (ARDU) in a separate building on a lot may occupy a yard other than a front or required exterior side yard; and b) a minimum distance of 3 metres between the primary dwelling unit and an additional residential dwelling unit in a separate building on the same lot.

Variances:

- a) To allow the existing garage to be situated in the legal front yard, whereas Section 3(1)(d)(i) of the Township of Puslinch Zoning By-Law 19/85 only permits a building or structure to be located in the interior side yard or rear yard.
- b) To allow the existing garage to be situated in the legal front yard, whereas Section 4.12.1(d)(vi) of the City of Guelph Zoning By-Law (2023)-20790 only permits a building or structure to be located in the interior side yard or rear yard.
- c) To add "Additional Residential Dwelling Unit" as a permitted use in the Township of Puslinch Zoning By-Law 19/85, whereas Section 5(2) does not permit this.
- d) To allow the existing garage to be situated 2.9 metres from the primary dwelling unit, whereas Section 4.12(d)(viii) of the City of Guelph Zoning By-Law requires a minimum distance of 3 metres.

Variances A and B:

The applicant is seeking variances to the Township of Puslinch Zoning-Bylaw 19/85 and the City of Guelph Zoning By-Law (2023)-20790 to allow for the existing garage at this property to be situated in the legal front yard. This is considered to be minor as the garage is already existing in the front yard, therefore there will be no new impact to surrounding land and properties. Additionally, this is the functional side yard and there is a large frontage of 23.7 metres on Glenholm Drive which will provide an adequate buffer from the street.

Variance C and D:

The applicant is seeking a variance to the Township of Puslinch Zoning By-Law 19/85 to add "Additional Residential Dwelling Unit" as a permitted use in the Agricultural zone. Additionally, the applicant is seeking a reduced setback of 2.9 metres between the additional dwelling and the primary dwelling unit.

These variances would allow for a second storey addition above the existing detached garage to create a residential dwelling space. The proposed addition would have no additional impact on the neighboring properties as the garage is already existing in that location. Further, the reduced setback is only 0.01 metres less than the required setback and is considered to be minor in nature.

The requested variances meet the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the appropriate development of the land and are minor in nature. Staff recommend approval of the application.

Engineering Services

Engineering has no concerns with the requested variance seeking relief from the requirements of Zoning By-law (1995)-14864, as amended, to permit additional residential dwelling unit use including location in front yard and reduced distance to primary dwelling.

We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Agriculture (A) in the Township of Puslinch Zoning By-law and Site-specific Low Density Residential (RL.1-1) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. Both zones permit a single detached dwelling. The A Zone does not permit an Accessory Residential Dwelling Unit (ARDU) within a separate building. The proposed ARDU, which is being constructed on a similar footprint to the existing accessory structure has a 2.9 metre setback to the existing dwelling and is located in what functions as an exterior side yard but is the technical front yard of the corner lot.

Building Services notes that a Building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services has no concerns and supports Planning and Engineering recommendations.

Comments from the Public

None

Contact Information

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